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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NOV 15 2023

SEAN F. McAVOY, CLERK DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA
ex rel. Bradley D. Keever, Relator,

Plaintiffs,

v.

MISSION SUPPORT ALLIANCE,
LLC; HANFORD MISSION
INTEGRATION SERVICES, LLC;
LEIDOS, INC; LEIDOS
INTEGRATED TECHNOLOGY,
LLC; CENTERRA GROUP LLC;
PARSONS GOVERNMENT
SERVICES, INC; LOCKHEED
MARTIN CORPORATION;
LOCKHEED MARTIN SERVICES,
INC; WACKENHUT SERVICES,
INC; and JACOBS ENGINEERING
GROUP, INC.,

Defendants.

No. 4:21-CV-05156-SAB

**FILED EX PARTE
AND UNDER SEAL**

UNITED STATES' NOTICE OF
ELECTION TO INTERVENE IN
PART AND TO DECLINE TO
INTERVENE IN PART

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States notifies the Court of its decision to intervene in part of this action and to decline to intervene in part of this action. The United States intervenes in the USA NOTICE OF INTERVENTION IN PART - 1

1 Relator's Complaint with respect to Defendants Hanford Mission Integration
2 Services, LLC ("HMIS"); Leidos Integrated Technology, LLC; Centerra Group,
3 LLC; and Parsons Government Services Inc. The United States declines to
4 intervene in the action with regard to Defendants Mission Support Alliance, LLC;
5 Leidos, Inc.; Lockheed Martin Corporation; Lockheed Martin Services, Inc.;
6 Wackenhut Services, Inc.; and Jacobs Engineering Group, Inc. The United States
7 intends to file and serve its own complaint within 90 days setting forth the
8 intervened claims as well as additional claims by the United States against
9 Defendant Hanford Mission Integration Services, LLC.

10 Pursuant to the Court's Order of October 5, 2023 (ECF No. 16), the United
11 States has informed Defendant HMIS of Relator's Complaint. The parties have been
12 engaging in discussion regarding the United States' investigation as well as
13 discussions aimed at a potential resolution of this matter. The United States believes
14 that keeping the matter under seal will allow the parties the best possible
15 opportunity to continue their ongoing discussions with the goal of reaching a
16 potential resolution of this matter without litigation. During the time of any
17 extended sealing of the matter, the United States anticipates that the parties will
18 diligently continue their ongoing substantive discussions in an effort to bring the
19 matter to a timely conclusion. Accordingly, the United States requests that, at this
20 time, the matter remain under seal for an additional 90 days, to and including
21 February 12, 2024, or until further order of this Court. Additionally, the United
22 States will file a status report with the Court by January 15, 2024, informing the
23 Court as to the status of settlement negotiations.

24 Although the United States declines to intervene in a portion of the action,
25 we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator
26 to maintain the declined portion of the action in the name of the United States;
27 providing, however, that the "action may be dismissed only if the court and the
28 Attorney General give written consent to the dismissal and their reasons for

1 consenting." *Id.* Notwithstanding this language, the United States Court of Appeals
2 for the Ninth Circuit has held that the United States has the right to a hearing only
3 when it objects to a settlement or dismissal of the action. *United States ex rel.*
4 *Green v. Northrop Corp.*, 59 F.3d 953, 959 (9th Cir. 1995); *United States ex rel.*
5 *Killingsworth v. Northrop Corp.*, 25 F.3d 715, 723-25 (9th Cir. 1994). Therefore,
6 the United States requests that, should either the relator or any defendant propose
7 that the part of the action in which the United States has not intervened be
8 dismissed, settled, or otherwise discontinued, this Court provide the United States
9 with notice and an opportunity to be heard before ruling or granting its approval.

10 Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests
11 that all pleadings filed in this action, even as to the non-intervened part of this
12 action, be served upon the United States; the United States also requests that all
13 orders issued by the Court be sent to counsel for the United States. The United
14 States reserved its right to order any deposition transcripts and to intervene in the
15 portion of this action in which it is declining to intervene today, for good cause, at
16 a later date.

17 The United States reserves the right to seek the dismissal of the relator's
18 action or claim on any appropriate grounds, including under 31 U.S.C. §§
19 3730(b)(5) and (e)(4).

20 A proposed order accompanies this notice.

21 Respectfully submitted this 15th day of November, 2023.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 15, 2023, a true and correct copy of the foregoing *United States' Notice of Election to Intervene in Part and to Decline to Intervene in Part* and the *Proposed Order*, were emailed to counsel for the Relator as follows:

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Because this action is under seal pursuant to 31 U.S.C. §§ 3729, *et seq.*, defendants have not been served with copies of the foregoing Notice.

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